

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09cr13

UNITED STATES OF AMERICA

vs.

WILLIAM RAY WOOTEN

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ORDER

THIS MATTER is before the Court upon motion of the defendant requesting that witness fees be paid to Anthony Clawges, Cynthia Fuller, Angela Wooten, and Christopher Wooten. (Doc. No. 35).

Federal Rule of Criminal Procedure 17(b) provides a mechanism for a defendant who is unable to pay the relevant costs and fees for a witness. Rule 17(b) states, “Upon a defendant’s ex parte application, the court must order that a subpoena be issued for a named witness if the defendant shows an inability to pay the witness’s fees and the necessity of the witness’s presence for an adequate defense. If the court orders a subpoena to be issued, the process costs and witness fees will be paid in the same manner as those paid for witnesses the government subpoenas.” In the Wooten trial, the defendant’s witnesses were never subpoenaed because the defendant failed to file an application requesting the Court to order the subpoenas.

IT IS, THEREFORE, ORDERED that the defendant’s motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals service, and the U.S. Probation office.

Signed: June 29, 2009

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

